

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

SIERRA CLUB,

Plaintiff-Intervenor,

v.

AMEREN MISSOURI,

Defendant.

Civil Action No. 4:11-cv-00077-RWS

**EXHIBIT 3 TO
PLAINTIFF UNITED STATES' NOTICE REGARDING AMEREN'S NON-
COMPLIANCE WITH THIS COURT'S REMEDY ORDER, AND REQUEST FOR
STATUS CONFERENCE**



JAN 24 2020

Mr. Michael Hutcheson
Supervisor, Air Quality Permitting and Compliance
Ameren Missouri Rush Island Energy Center
1901 Chouteau Ave
P.O. Box 66149 mc602
St. Louis, MO 66149

RE: December 23, 2019 Construction Permit Application
Installation ID Number: 099-0016

Dear Mr. Hutcheson:

The Air Pollution Control Program received a construction permit application for Ameren Missouri's Rush Island Energy Center on December 26, 2019. We are unable to consider your application complete at this time due to a lack of information provided in the submittal.

The application states, "This permit application is intended to fulfill the requirements of the Court's order to apply for a PSD permit proposing wet FGD as BACT." Based on state regulations, 10 CSR 10-6.060 Construction Permits Required, the following items are needed for a complete Prevention of Significant Deterioration (PSD) permit application:

1. Pre-application meeting. 10 CSR 10-6.060(3)(A)2 states, "A pre-application meeting is required thirty (30) days prior to application submittal of a section (7), (8), or (9) permit application." Section (8) of the regulation applies to PSD permits.
2. A listing of all affected emission units. This includes, but is not limited to, limestone unloading, limestone storage and handling, haul roads, boilers, etc.
3. Emission calculations for each New Source Review (NSR) pollutant from each emission unit detailed in item 2, demonstrating whether there is a significant emissions increase and a significant net emissions increase of each pollutant.
4. A Best Achievable Control Technology (BACT) analysis for each NSR pollutant from each emission unit that has a significant emissions increase and a significant net emissions increase.
5. Class I and Class II Ambient Air Quality Impact Analysis for each pollutant that has a significant emissions increase and a significant net emissions increase. For more information regarding the Ambient Air Quality Impact Analysis, please refer to the Air Program's website at:
<https://dnr.mo.gov/env/apcp/permitmodeling/section8attainmentareamodelingrequirements.htm>

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6. Filing fee. Pursuant to 10 CSR 10-6.060(3)(H)9, the filing fee associated with a PSD permit application is \$5,000. The Air Pollution Control Program is returning the \$250 check Ameren submitted with the hard copy of this letter.

In addition, please be aware that Jefferson County currently is a non-attainment area for the 2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standard. The Air Pollution Control Program submitted a request to EPA on December 21, 2017, to re-designate Jefferson County to attainment for the 2010 SO₂ standard. EPA currently is reviewing this request. If EPA does not re-designate Jefferson County to attainment, a New Source Review (NSR) nonattainment permit would be required rather than a PSD permit. See 10 CSR 10-6.060 (7) Nonattainment Area Major Permits.

If you have any questions or need any additional information, please do not hesitate to contact me at (573) 751-4817 or kendall.hale@dnr.mo.gov . Thank you for your time and attention to this matter.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

A handwritten signature in blue ink that reads "Kendall B. Hale". The signature is written in a cursive, flowing style.

Kendall B. Hale
Permits Section Chief

Enclosure